

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Kim Duncan

Public Hearing: Yes: ☒ No: ☐

Notices Mailed On: 2-13-04 Published On: 2-12-04 Posted On: 2-13-04

TITLE: USE PERMIT NO. UP2003-56; 'S' ZONE APPROVAL AMENDMENT NO. SA2004-5; ENVIRONMENTAL ASSESSMENT NO. EA2004-2

Proposal: Request for approval of a 48,750 square foot philanthropic organization with a child care facility for up to 36 children in a vacant building located in Oak Creek Business Park.

Location: 1851 McCarthy Boulevard

APN: 086-03-014

RECOMMENDATION: Approval of a philanthropic organization with conditions and with the exception of a preschool/child care center

Applicant: Tzu Chi Foundation, 175 Dempsey Road, Milpitas, CA 95035.

Property Owner: CBC McCarthy Partners, LLC, 120 Hawthorne Avenue, Suite 102, Palo Alto, CA 94301.

Previous Action(s): "S" Zone Approval and Amendments

General Plan Designation: Highway Services

Present Zoning: Highway Services with an S-Zone overlay (HS-S)

Existing Land Use: Vacant research and development building

Agenda Sent To: Applicant, project manager and property owner

Attachments: Plans, letter from applicant, Environmental Assessment EA2004-2, hazardous materials risk assessment dated February 9, 2004, letters and petitions of support

PJ# 3171

BACKGROUND

In 1983, the Planning Commission and Redevelopment Agency approved an "S" Zone application for the development of a 2-story, 47,850 research and development building in the

Oak Creek Business Park (the old Lifeguard building). Subsequent approvals include “S” Zone Approval Amendments for roof screens and satellite dish.

In 1995, the City Council adopted Zoning Ordinance amendment No. 38.702 to allow child day care facilities as a conditional use in all zoning districts, with the exception of industrial districts. At that time, the City considered allowing child care centers in industrial areas. Both the Planning Commission and City Council expressed concerns for the safety of children and the Council ultimately decided to prohibit the establishment of child care centers within Industrial zoning districts.

Site and Area Description

The project site consists of a vacant two-story, 48,750 square foot research and development building located on a 2.71 acre parcel and zoned Highway Services (HS). The parcel is bound on the east by McCarthy Boulevard, south of Barber Lane, and on the west by Coyote Creek Trail. Undeveloped lands of San Jose lay west of the Coyote Creek Trail. Mature landscaping surrounds the project site and includes ordinance-sized (≥ 36 ” circumference) protected Redwood trees (*Sequoia sempervirens*).

Parcels directly north of the project site are zoned Light Industrial (M1) and occupied by such tenants as Fairchild and Silicon Microstructures. Parcels to the northeast are zoned Industrial Park (MP) and occupied by tenants such as Honeywell and LSI Logic. Parcels to the south and east of the project site are zoned Highway Services (HS) and occupied by tenants such as Phillips and Nextel.

THE APPLICATION

The Use Permit application is submitted pursuant to Section 21.03-5.1 (Highway Services, Conditional Uses – Child Care Center) and Section 57.00 (Conditional Use Permits-Philanthropic Organizations) of the Milpitas Zoning Ordinance. The “S” Zone Approval Amendment application is submitted pursuant to Section 42.10-2 (Minor Modifications or Amendments) of the Milpitas Zoning Ordinance.

Use Permit Application: The applicant requests approval to operate a philanthropic organization in a 48,750 square foot vacant research and development building located in the Oak Creek Business Park. The application includes the following uses:

- Administrative Office
- After-School Tutoring
- Senior Program
- Community Classes
- Preschool/Child Day Care
- Free Medical/Dental Clinic
- Youth Classes
- Volunteer Training

Hours of operation for the philanthropic organization would be Monday through Friday, 8:00 a.m. to 6:00 p.m. and Saturday/Sunday, 9:00 a.m. to 5:00 p.m. with proposed uses overlapping throughout the week (see Table 1).

The application includes operating a preschool and child care center for up to 36 children (ages 3 to 5 years old) for working professionals in the area during the week and Tzu Chi volunteers on weekends. The project will not be operating as a school, as defined in the Milpitas Zoning

Ordinance, Section 2.69 (institutions that offer instruction required for public schools by the California State Education Code). The preschool and child care facility would be comprised of both indoor and outdoor areas. The indoor area would consist of 4 classrooms, including activity room, children's bathrooms and office area. The outdoor area consists of two play areas, one at the rear of the building (adjacent to Coyote Creek Trail) and the second at the southwest corner of the building. The approximately 3,830 square foot outdoor play areas would consist of walkways and landscaped areas. Both outdoor play areas would be fully gated to ensure the safety of the children.

Table 1: Tzu Chi Foundation Proposed Schedule of Activities

Proposed Use	Weekday Hours of Operation	Weekend Hours of Operation
Administrative/Office	10:00 a.m. to 4:00 p.m.	9:00 a.m. to 5:00 p.m.
Preschool/Child Day Care	8:00 a.m. to 6:00 p.m.	9:00 a.m. to 5:00 p.m.
After School Tutoring	2:00 p.m. to 6:00 p.m.	None
Community Classes	3:00 p.m. to 9:00 p.m.	7:00 p.m. to 9:00 p.m.
Youth Classes	None	Saturday or Sunday (every other week) 9:00 a.m. to 5:00 p.m.
Medical/Dental Clinic	None	10:00 a.m. 4:00 p.m.
Volunteer Training	None	Sunday (every other week) 9:00 a.m to 5:00 p.m.
Senior Programs	9:00 a.m. to 3:00 p.m.	None

"S" Zone Approval Amendment application: The proposed site modifications associated with the outdoor play areas include:

- 6-foot high fencing and gates proposed at the west and southwest portion of the building for outdoor play areas;
- Removal of 2 existing parking stalls that would accommodate for a portion of the southwest outdoor play area; and
- Addition of new exterior doors at the rear of the building to allow for access to the preschool/child day care classrooms.

The site plan indicates five trees in the vicinity of the proposed outdoor play area of the child day care facility. According to the applicant, three of the existing trees are ordinance size protected Redwoods (*Sequoia sempervirens*) and no trees are proposed for removal with this application. In addition, the site plan indicates a loading/unloading area in close proximity to the day care entrance and a proposed 6 foot high chain link fence with vertical white vinyl slats around the perimeter of the outdoor play area.

Use Permit Findings

Any approval of a Use Permit requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, as the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how the project relates to these findings.

Conformance with the General Plan

The proposed philanthropic organization use is consistent with Guiding Principle 2.d-G-2, which encourages development of adequate civic, recreational and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth. The proposed use will provide free medical/dental clinic, community classes, after school tutoring and other services to members of the community, therefore fostering and promoting community growth.

General Plan Guiding Principles/Policies: Guiding Land Use Principle 2.a-G-1 of the General Plan strives to maintain a land use program that balances Milpitas' local roles by providing for a thriving regional industrial center. Implementing Policies 2.a-I-4 and 2.a-I-7 strive to publicize Milpitas as a place to carry on compatible industrial and commercial activities and provide opportunities to promote business retention. In addition, Implementing Policy 2.a-I-24, encourages the establishment of child care facilities when compatible with surrounding neighborhood uses, particularly in employment centers.

Compatibility: However, the proposed preschool/child day care use is not consistent with Implementing Policy 2.a-I-24, which encourages the establishment of child care facilities when compatible with surrounding neighborhoods and commercial uses, particularly in public facilities and employment centers. While the site provides convenient access to members of the community who live and work in the City, the proposed preschool/child day care facility is located approximately 174 feet (between buildings) of a known toxic compressed gas user. Due to the close proximity to an industrial toxic gas user, staff believes the proposed site is not compatible with surrounding industrial neighborhood uses.

Conformance with the Zoning Ordinance

The proposed philanthropic organization is consistent with Section 57 of the Zoning Ordinance which allow philanthropic organizations in Highway Services (HS) districts following review and approval by the Planning Commission. In addition, the intent of the "HS" district is to provide for the wide range of personal and business services that include those commercial uses which customarily locate outside of the Central Business District area and are of a relatively low customer volume.

The proposed 'S' Zone Approval Amendment is also consistent with the Zoning Ordinance in that the new outdoor playground and person doors complement the existing development, and do

not adversely impact parking or require the removal of any protected trees. The proposed 2 space parking reduction does not result in insufficient available parking for the proposed uses and accommodates the outdoor play area.

Child day care use adjacent to Industrial zoning districts

The proposed child day care with outdoor play area is located in a vacant research and development building in the Oak Creek Business Park and zoned Highway Services (HS). Directly north and adjacent to the project site is a Light Industrial zoning district with the Fairchild Imaging building approximately 174 feet between buildings. According to the risk assessment, Fairchild is one of three businesses with on site toxic compressed gases within ¼ mile of the project site.

Staff has concerns regarding the proximity of the proposed day care facility with an outdoor play area to a known toxic compressed gas user in terms of land use. In 1995, the Planning Commission and City Council expressed concern for the safety of children should child care facilities be located within Industrial Zones. The City Council ultimately decided to prohibit the establishment of child care centers within Industrial Zones. The Planning Commission most recently approved Cisco Day Care (UP# 1516) and the Crossings Day Care (UP2003-46) facilities, both adjacent to Industrial zoning districts. As conditions of approval, Cisco was required to record a deed prohibiting additional hazardous materials on its multi-parcel properties. The Crossings Day Care application did not involve any hazardous materials in gaseous form, therefore did not require extensive gas monitoring safety controls. While the Cisco and Crossings Day Care uses were approved, due to the close proximity of the proposed child day care and outdoor play area to an existing industrial toxic gas user, the proposal for a child day care at this location is incompatible with existing land uses.

Staff also has concerns regarding the impact of a child day care facility to the existing adjacent industrial businesses of Oak Creek Business Park, particularly those that are hazardous materials users. The intent of the industrial zoned district is to provide businesses the opportunity to locate within the City for research, manufacturing, and packaging, which typically include the use of hazardous materials. The close proximity of a child day care center could prevent nearby industrial businesses from expanding or new businesses from locating in the industrial zoned district due to increased liability issues.

Environmental Review

An Initial Study and Negative Declaration (EA2004-2) was prepared for this project. The twenty-day public review period was from February 6, 2004 to February 25, 2004. Any comments received will be presented at the public hearing for this project. The environmental assessment identifies a potential impact related to Hazards and Hazardous Materials.

Due to the project's concentration of children (defined as "sensitive receptors" by CEQA) within close proximity to surrounding industrial uses, a hazardous materials risk assessment was prepared by Integrated Engineering Services and submitted to the Milpitas Fire Department on February 5, 2004 for review. The risk assessment evaluated the project site, hazardous materials used by all industrial businesses within ¼ mile of the project site, and the likelihood of an accidental spill or release. This analysis indicated that seven (7) businesses currently have a permit to store, handle or use hazardous materials within ¼ mile of the proposed project site. Of the seven businesses identified as hazardous materials users, three (Honeywell, Fairchild Imaging and Silicon Microstructures) utilize toxic compressed gases or highly volatile liquids, such as

ammonia and chlorine, which may produce hazardous vapors or fumes that could be emitted to the atmosphere and pose potential off-site consequences. However, according to the site assessment, each of these facilities has safety controls in place, such as exhaust gas cabinets/enclosures, gas exhaust treatment systems, continuous gas exhaust monitoring with automatic shut down, seismic detector systems, excess flow control valve piping systems and emergency power for each safety control. In addition, the risk assessment identified one business (Honeywell) within the ¼ mile area that uses extremely hazardous substances (EHS), however the quantities were significantly below EPA thresholds.

The Mitigated Negative Declaration contains four mitigation measures addressing the hazardous materials to reduce the potential for significant impact related to an accidental spill or leak to a level of less than significance. The mitigation measures include 1) an airborne chemical monitoring system, in-place communication system, and risk reduction plan, 2) an Emergency Response Plan for the applicant to prepare and submit to the City's Fire Department for approval and which must include provisions for on-site sheltering and evacuation of the building, 3) annual Emergency Action Plan update by a qualified safety consultant, and 4) annual Risk Assessment review and installation of additional safety devices/equipment/safeguards as needed. The implementation of these four mitigation measures, which have been incorporated as Conditions of Approval, will reduce the potential impacts to less than significant.

Staff is concerned that mitigating the environmental effects of hazardous materials is not the same as guaranteeing that no children in the day care center will be harmed by the potential emissions of hazardous gasses by nearby industrial companies. As such, Staff is recommending that the philanthropic organization be approved but that the preschool/day care center use be denied.

Solid Waste/Recycling

The applicant is not proposing any new garbage facilities. It is expected that the new use would not generate higher levels of garbage than the previous research and development use, therefore it is anticipated the existing waste/recycling facilities would be adequate to serve the new use. However, as a condition of approval, staff recommends the applicant submit evidence to the City that minimum refuse and recycling services have been subscribed for the project.

Parking

The Zoning Ordinance sets minimum parking standards for multi-use facilities based on quantity of seating, square footage and number of classrooms. According to the zoning ordinance parking requirements, as shown in Table 2 below, 175 parking spaces are required to accommodate the proposed multiple uses for the project. When the building site was developed, parking was based on a 1 space per 300 square foot ratio for research and development uses, requiring 160 parking spaces on site. According to plans submitted by the applicant, there are 177 existing parking spaces provided on site. The applicant is proposing to remove 2 parking spaces to accommodate a portion of the proposed outdoor play area, therefore 175 parking spaces will be provided for the Tzu Chi Foundation. Based the parking provided on site, staff is confident there is adequate parking to meet the multiple needs of the Tzu Chi Foundation.

Table 2-Tzu Chi Foundation Parking Requirements

Use	Parking ordinance requirement	Parking required
Administrative Offices	1 space/200 sq.ft NFA-1 st floor; 1 space/400 sq.ft. GFA-2 nd floor	66 spaces-1 st floor 44 spaces-2 nd floor
Classrooms	1 space/classroom	10 spaces
Medical/Dental	1 space/225 sq.ft. GFA	8 spaces
Preschool/Child Day Care (classroom/employees/loading area)	1 space/classroom + 1 space/1.5 employees + 1 space /6 children up to 5 spaces + 1 space/10 children thereafter	9 spaces
Total parking required		175 spaces

Neighborhood/Community Impact

As conditioned, the philanthropic organization is not anticipated to create a negative community impact and is well-suited to the site in that it will provide services to the community such as free medical/dental clinic, senior programs and after-school tutoring. However, the close proximity of a preschool/child day care center to existing industrial hazardous material users could deter existing hazardous material users from expanding or locating in the industrial district. Therefore, staff concludes that the project as conditioned, could negatively impact future growth of the surrounding industrial community.

RECOMMENDATION

Close the Public Hearing. Adopt Initial Study and Negative Declaration No. EA2004-2. and approve Use Permit (P-UP2003-56) for a philanthropic organization with conditions and with the exception of the preschool/child day care facility, based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project, as mitigated, will not create any significant environmental impacts as defined by the California Environmental Quality Act.
2. The proposed philanthropic organization and preschool/child day care facility complies with the City's Zoning Ordinance in terms of land use and development standards for the Highway Services zoning district.
3. The proposed philanthropic organization is consistent with the Milpitas General Plan in that it provides for a recreational and cultural center in a location that will serve the both the immediate and larger neighborhood (Citywide).

4. The proposed philanthropic organization is not anticipated to result in a negative community impact as such organizations are allowed with appropriate conditions within the Highway Services (HS) zoning district.
5. The proposed preschool/child day care facility is not consistent with the Milpitas General Plan in terms of land use in that it will not promote a thriving regional industrial center and is not compatible with the surrounding industrial community at this location.
6. The proposed preschool/child day care facility is anticipated to result in a negative impact to the industrial community because it will discourage new industrial users from locating and existing industrial businesses from expanding in the area.

SPECIAL CONDITIONS

1. This Use Permit No. UP2003- 56 approval is for an 48,750 square foot philanthropic organization within an existing industrial building. Any modification to the project as proposed will require an "S" Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing pursuant to Section 42 of the zoning ordinance. (P)
2. This use permit approval is not for any child day care facilities or exterior play areas. If child day care facilities are to be proposed, and amendment to the Use Permit will require Planning Commission approval. (P)
3. This use permit approval is allowed only by special approval and will not preclude the ability of the adjacent properties to change R&D/industrial tenants that would lease to uses that are allowed by right.
4. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
5. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
6. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
7. *(Mitigation Measure 1.): The applicant shall design, as outlined within the Risk Assessment, an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. Additionally, the building shall have an in-place communication system for notifying occupants via pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system which will be designed to automatically shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. A risk reduction plan outlining the operational aspects of this system shall be submitted to the Fire Department for review and approval, prior to building permit issuance. An agreement to annually test, update and maintain this monitoring, detection and response system shall be included within this plan. (P,F)*
8. *(Mitigation Measure 2.): The applicant shall prepare, to the satisfaction of the City's Fire Department, an Emergency Action Plan for the site, which recognizes the nature of*

risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Emergency Action Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings at the time of a detection and subsequent alarm. This plan shall also include emergency supply provisions for a time period as determined by the Fire Marshall. The development of the plan is the responsibility of the applicant and shall be approved prior to building permit issuance. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training and outreach have occurred. (P,F)

9. (Mitigation Measure 3.): The applicant shall update, to the satisfaction of the City's Fire Department, the Emergency Action Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan. (P,F)
10. (Mitigation Measure 4.): The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards for the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area. (P,F)
11. All roof-top equipment shall be shielded from view in a manner to the approval of the Planning Commission or its designee as specified in Section XI-10-42.10-2 of the Milpitas Municipal Code. Prior to the issuance of any permit for any roof-top equipment which projects above the height of any existing parapet wall or screen, detailed architectural plans for the screening of this equipment and/or a line-of-sight view analysis demonstrating that the equipment will not be visible from surrounding view points shall be reviewed and approved as specified in Section CI-10-42.10-2 of the Milpitas Municipal Code, in order to assure the screening of said equipment is in keeping with and in the interest of good architectural design principles. (P)
12. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
13. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
14. Any occupancy of the tenant space shall not occur until all conditions of approval have been satisfied and verified by the City. (P)
15. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
16. Prior to occupancy permit issuance, the property owner/manager shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial services:
 - a. An adequate level of service for trash collection, minimum of one 4cyd bin collected 2X/week.

- b. An adequate level of recycling collection, minimum of one 4cyd bin collected 2X/week.

After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the property owner/manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

17. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance by the Building Division. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
18. Prior to any permit issuance, the developer shall submit plan to Santa Clara Valley Water district for review and approval of this project. Provide a copy of this approval to the City of Milpitas Engineering Division. (E)

(P)= Planning Division

(E) = Engineering

To: Milpitas City Planning Commissioners (Please forward)
From: Mike Wang
Date: Feb 13, 2004
Subject: Please Support Tzu Chi Foundation's New Site in Milpitas

Dear Commissioners,

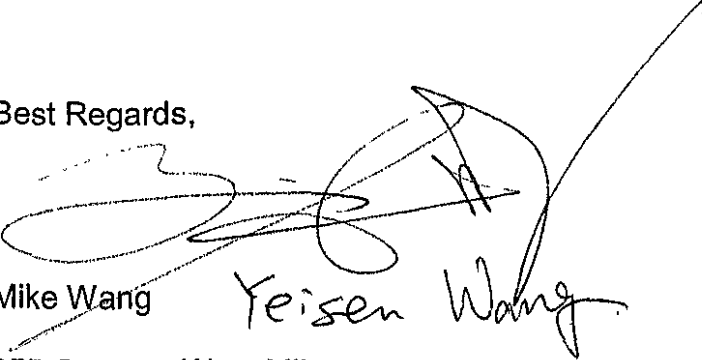
We are all residents in Milpitas. When we knew that the Tzu Chi Foundation chose a new site in the City of Milpitas to expand their community services, we were all very excited. We are all patrons of Tzu Chi Foundation and would like to tell you our strong support to keep Tzu Chi Foundation in our City.

Tzu Chi Foundation is a very low profile charity organization doing many good things locally and nationally. We sometimes participated in some of their volunteering projects. We have been amazed by the scope of charities they have initiated and conducted to the low-income families, the elderly, and the children in our community. Their programs served thousands of people, ranging from donating clothes, to providing free clinic, from visiting convalescence homes, to assisting homework centers in the schools. They also have been helping the poor and the disaster victims nationally and world wide. The more we are involved, the more we see their spirits of great love truly in action. We are very proud that the City of Milpitas has such a wonderful organization for us to be associated with.

In our view, Tzu Chi Foundation's choice of the empty R&D building as their new expansion site during the current economic situation is a good move beneficial to the City, the community, and the Foundation. We sincerely invite you to join our support. For the record, all the supporting signatures are attached.

Best Regards,

Mike Wang



Feisen Wang

655 Grayson Way, Milpitas, CA 95035

Milpitas Residents

Petition Supporters:

Print Name	Address	Signature
CHENG CHUNG LIN	1091 Zamora Ct. Milpitas CA 95035	Cheng Chong Lin
Jessica Nien	1105 S. park victoria Dr. Milpitas CA 95035	Jessica Nien
Dennis S. Q. Chen	1117 S. park victoria Dr. Milpitas	Dennis S. Q. Chen
Chin bin Leuch	968 Big Bear Ct. Milpitas	Chin bin Leuch
Joyce C. Kuo	613 CALLE DEL PRADO Milpitas	Joyce C. Kuo
Andrey Tang	625 CALLE DEL PRADO MILPITAS	Andrey Tang
Rosalyn & Lin	881 TRAMWAY. DR. MILPITAS	Rosalyn & Lin
Sean Yang	605 Clamser Dr. Milpitas	Sean Yang
Clanchen Wu	887 Tasarra Dr. Milpitas	Clanchen Wu
Lili Yang	792 Bamber Lane milpitas	Lili Yang
Lily Tang	120 Dixon Landing Rd #109, Milpitas	Lily Tang
Tina Kuo	1479 Gingerwood Dr. Milpitas, CA.	Tina Kuo
Ning DU	74 Ranch Dr Milpitas	Ning DU
HELEN LEH	698 ANN PLACE - MILPITAS	Helen Leh
WENDY LU	1758 N Milpitas Ca	Wendy Lu
Thuy Tran	440 Dixon Landing Rd.	Thuy Tran
Angela Pui	50 Dixon Road	Angela Pui
Jimmy Chang	915 Campbell St. Milpitas	Jimmy Chang
Sue Chang	513 Clamser Dr. Milpitas	Sue Chang
Chiung Chu Lin	1091 Zamora Ct Milpitas	Chiung Chu Lin
Grace Lin	1091 Zamora Ct. Milpitas	Grace Lin
Julie Lin	1091 ZAMORA CT. Milpitas	Julie Lin
Tsung-Hua Hsieh	325 Edgewater Dr Milpitas	Tsung-Hua Hsieh
Po-Tsung Hsieh	325 Edgewater Dr Milpitas	Po-Tsung Hsieh
Peter. Hsieh	325 Edgewater Dr Milpitas	Peter Hsieh

Petition Supporters:

Print Name	Address	Signature
SHOUTONG HUANG	Rm 2. 120 Corning St. Milpitas, CA 95035	S. Huang
Leonel J. P.	1341 Calle Oriente Milpitas	Leonel J. P.
ARTHUR SWANSON	311 CARNEGIE DR. MILPITAS	Arthur Swanson
Low George	1687 CRATER LAKE AVE MILPITAS	Low George
Tianou Dong	1675 Burley Dr. Milpitas	Tianou Dong
Chuan V Quach	1260 Piedmont Road #1205	Chuan V Quach
ARLEN LU	726 ERIE CIRCLE MILPITAS CA	Arlen Lu
Wanda Santos	145 Carnegie Drive Milpitas	Wanda Santos
Jessie Nelson	387 N. Temple Dr. Milpitas	Jessie Nelson
Neola Swanson	311 Carnegie Dr Milpitas	Neola Swanson
Donis Vazquez	2197 Shiloh Ave Milpitas	Donis Vazquez
AL Lanier	852 Nieves Street Milpitas	AL Lanier
PETE FAUSTINO	60 WILSON WAY #20 MILPITAS	Pete Faustino
Floyd Domingo	519 Greathouse Dr. Milpitas	Floyd Domingo
Supermodrigas	1119 Stillor Way Milpitas	Supermodrigas
Alfred C. Paul	227 West Capital Ave Milpitas	Alfred C. Paul
Chester D.	726 ERIE CIR. MILPITAS CA	Chester D.
Carolina Barera	916 Heath St Milpitas CA 95035	Carolina Barera
Virginia Fariello	68 Wilson Way Milpitas	Virginia Fariello
Edouard Nguyen	472 Layton Rd	Edouard Nguyen
Alexander Lu	440 Glenmoor Circle Milpitas	Alexander Lu
MEI YING WANG	440 Glenmoor circle Milpitas CA 95035	Mei Ying Wang
Teisen Wang	655 Grayson Way Milpitas CA 95035	Teisen Wang

February 7, 2004

Planning Commissioners
Milpitas City Hall
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Tzu Chi Foundation / 1851 McCarthy Boulevard, Milpitas, CA

Dear Planning Commissioners,

As residents and long-time sponsors of the City of Milpitas, we would like to express our sincere support of Tzu Chi Foundation to expand their local community services and programs at the new site at 1851 McCarthy Boulevard in Milpitas.

Tzu Chi Foundation is a well run charity organization guided by their founding principles of universal great love, forethoughtful philanthropic visions and profound missions. They have provided wide ranges of much needed community services in the Bay Area in charity, medicine, education, and culture. I highly suggest that you visit their local website <http://northerncal.us.tzuchi.org/nc.nsf/home/index> as well as their global website <http://www.tzuchi.org/global/> to see their great local community services and world-wide disaster relief operations. Their community services and programs have helped generate many local businesses too. Tzu Chi is an organization that we the citizens love to have more in our City.

We saw Tzu Chi Foundation operating in Milpitas for many years. Their decision to stay in Milpitas for expansion is great news for us. We sincerely request your support for their application and keep the seed of community love to spawn in our great City.

Sincerely,

Petitioner:

Chih-Chung Chen

Attachment: Supporter Signatures

(CHIH-CHUNG CHEN
638 SHETLAND COURT
MILPITAS, CA 95035)

* must be 18 at least :

* Milpitas Residence

Petition Supporters:

Print Name	Address	Signature
Jerry De Vera	592 Wood Drive, Milpitas, CA. 95035	Jerry De Vera
Jessie De vera Jr.	" "	Jessie De Vera
STELLA T. DEVERA	same address	Stella De Vera
Jessie Devera	" "	Jessie De Vera
Vernas Sulit	" "	Vernas Sulit
Lori Gaines	813 Coyote St, milpitas 95035	Lori Gaines
Minh Homng Minh Homng	71 N Goodson Dr	Minh Homng
Scott Pareno	1836 Golden Hill	Scott Pareno
Rizake Baligad	518 Marylinn Drive	Rizake Baligad
-nil Cruz	1264 Calle Oriente	-nil Cruz
Jose Flor	308 San Miguel Ct. unit 4	Jose Flor
Maria Sharolou Levita	80 Heath St - Milpitas Ca. 95035	Maria Levita
ILUMINADA MONDRAGON	291 DIAMOND WAY MILPITAS	Iluminada Mondragon
Rahul Jandani	190 Midwick Dr.	Rahul Jandani
Marijann Brion	289 Mansfield St. Milpitas	Marijann Brion
Ravi Sharma	364 Oliver St. Milpitas	Ravi Sharma
IRIS OLGUIVO	460 Oliver St Milpitas	Iris Olguivo
G. VENEZAS	2171 Conway St Milpitas CA 95035	G. Venegas
DALANE KENNY	722 BEECHER ST. Milpitas	Dalane Kenny
Luningning S. Malenzo	284 Maple St., Milpitas, CA 95035	Luningning S. Malenzo
SHERYL AMPUAN	1868 Crater Lake Ave. CA 95035	Sheryl Ampuan
Jeff Knapp	170 Coelho St., Milpitas, CA 95035	Jeff Knapp
Celeste Thompson	510 Easter Ave, Milpitas, CA, 95035	Celeste Thompson
Anna Yui	1471 E. Calaveras Blvd Apt #9	Anna Yui
Dena Chavez		Dena Chavez

Milpitas Residents

Petition Supporters:

[illegible]

Petition Supporters:

[illegible]

February 10, 2004

Planning Commissioners
Milpitas City Hall
455 East Calaveras Boulevard
Milpitas, CA 95035

Re: Support Tzu Chi Foundation Project on McCarthy Blvd in Milpitas

Dear Milpitas City Planning Commissioners,

We are Milpitas residents. Many of us are Milpitas Nursery Center residents and residents' families who have received Tzu Chi Foundation's voluntary care and support for many years. Some of us have children benefit from their great youth supporting programs.

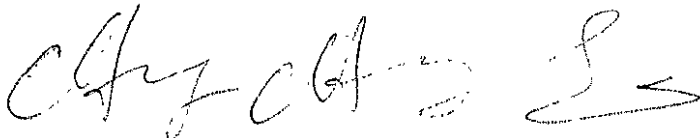
Tzu Chi Foundation is a respectful yet humble charity organization. They have been helping the elderly groups like us in many places locally and nationally. We are very pleased to have Tzu Chi Foundation operate in the City of Milpitas in the past few years. Tzu Chi Foundation's dedicated volunteers provided wide ranges of out-reach community services with compassion and patience. They persistently visited us every week without interruption, not only bringing us care, joy, and donations, but also forming a community relationship of great love.

We realized that Tzu Chi Foundation recently planned to expand their humanitarian and community services in the local area. We are glad that they decided to pursue the building located at 1851 McCarthy Boulevard in the City of Milpitas as the potential new site.

We want to express our sincere support of Tzu Chi Foundation's project. We also sincerely request your approval to their application and help us keep this community pride in our City.

Attached please see the signatures of the representative supporters.

Gratefully yours



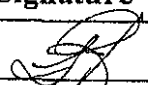
CHENG CHUNG Lim

1091 Zamora ce. MilPitas CA 95035

Petition Supporters:

Print Name	Address	Signature
Han-Hwa Ming	504 Martil Way, Milpitas CA 95035	Han-Hwa Ming
Jing-Li YUAN	504 Martil Way Milpitas CA 95035	Yuan, Jing-Li
Jane Yuan	850 Aaron Park Dr. Milpitas	Jane Yuan
ANDY CHEN	850 Aaron Park Dr. MILPITAS	Andy Chen
HAN-HWA MING	49 MAPLE ST., REDWOOD CITY, CA.	Han-Hwa Ming
Linda Lu	49 Maple ST. #134 Redwood City CA	Linda Lu
Chiu mei Wu Liao	495 EASTER AVE MILPITAS CA 95035	Chiu mei Wu Liao
Peter Chen	142 N. MilPitas Blvd, #111, MilPitas CA 95035	Peter Chen
Wen Wen ching	1167 Belbrook Way, MilPitas CA 95035	Wen Wen ching
Grace Fang	1706 Fair Hill Dr. MilPitas CA 95035	Grace Fang
Sharon Huang	960 Cameron Cir., MilPitas CA 95035	Sharon Huang
Margie Lin	516 Lock Lomond Ct, MilPitas CA 95035	Margie Lin
Tina Wang	766 Terra Bella Dr MilPitas CA 95035	Tina Wang
Sharon Lin	7252 Capital Ave., MilPitas CA 95035	Sharon Lin
Wei-Cheng Her	792 Valencia Dr. MilPitas CA 95035	Wei-Cheng Her
Jackson Chung	87 Polaris Court MilPitas CA 95035	Jackson Chung
Andy K. Chow	1091 Zamora Ct. MilPitas CA 95035	Andy K. Chow
Lily Sun	1183 Belbrook Way MilPitas CA 95035	Lily Sun
Andy Xu	1332 Champion Ave, MilPitas CA 95035	Andy Xu
CHIA-LYN LAI	2284 Faircrest, MilPitas CA 95035	Chia-Lyn Lai
FuBing Wang	424 Sandhurst Dr MilPitas CA 95035	FuBing Wang
Connie Tan	591 Shelley Ct., MilPitas CA 95035	Connie Tan
Jennifer Chen	709 Trinitas Pl., MilPitas CA 95035	Jennifer Chen
Tina Wang	776 Terra Bella Dr MilPitas CA 95035	Tina Wang
Angela Chen	424 Gemma Dr MilPitas CA 95035	Angela Chen

Petition Supporters:

Print Name	Address	Signature
HELENA RODRIGUES	186 BERKESTFORD CT, TERRACE GARDENS	
KEN LAM	" MILPITAS CA 95035	Ken Lam
CAROL LAM	"	Carol Lam
Yewok Pui Lam	"	Yewok Lam
Kui Lam	"	Kui Lam
S. H. Law	"	S. H. Law
A. Wong	"	A. Wong
Wen-yu Lii	" #215	Wen-yu Lii
Shu-fang Xu	"	Shu-fang Xu
Yok Sim Kwan	"	Yok Sim Kwan
Wen JUT	"	Wen JUT
Shui Jing Fong	"	Shui Jing Fong
JAMES CHIANG	186 BERKESTFORD CT. #C103 MILPITAS 95035	James Chiang
P. J. CHIANG	186 BERKESTFORD CT. #C103 MILPITAS 95035	P. J. Chiang
Siang Chang	186 Berkeley CT. #G308 Milpitas 95035	Siang Chang
MEEN T. AU	186 Berkeley CT #C204 Milpitas 95035	Meen T. Au
Kuei Ching Yuan	186 Berkeley CT #B205 Milpitas CA 95035	K-C Yuan
Yu Hsin Yuan	" " "	Yuen Hsin
Li H. L. L. L. L.	" " B105	Li H. L. L. L.
SHU CHANG PAI	" " B104	Shu Chang Pai
Judy Hong	" " F401	Judy Hong
JAMES HONG	" " F401	JAMES HONG
Fu-I Lee	" " G319	Fu-I Lee
William Lee	" " G319	William Lee
Ma Hui Ying	" " B105	Ma Hui Ying
Mr. Ho	B204	Mr. Ho

Petition Supporters:

[illegible]

December 10, 2003
Revised – January 26, 2004

Architecture
Planning
Interiors



Letter of Explanation Regarding Proposal

Conditional Use Permit
UP2003-56, SA2004-5
1851 McCarthy Boulevard
Milpitas, CA.

Tzu Chi Foundation USA, Northwest Region desires to purchase the existing Office Building located at 1851 McCarthy Boulevard and relocate from their current location at 175 Dempsey Road, Milpitas. The existing two-story building at 1852 McCarthy Boulevard occupies a 2.71-acre site and contains approximately 48,750 gross square feet. The site is located in "HS" Highway Service District. No major alterations are planned for the exterior of the building or the site.

The Tzu Chi Foundation is a non-profit humanitarian organization providing relief and aid to the community at large. Tzu Chi works in four missions of Charity, Medicine, Education and Culture. The uses proposed in the existing building are consistent with the missions and are as follows:

- Administrative & Cultural Offices – 34,650 s.f.
- Medical/Dental – 1,600 s.f. (Check-ups, flu shots, fillings)
- Child Day Care – approx 3,500 s.f. (36 children)
- Classrooms – approx 6,500 s.f. (Non-academic use)
- Senior program – 2,500 s.f.

See the following brief summary of uses proposed for the facility, as well as the hours of operation:

- (1) **General Office Support:** Offices are to be used by the staff and volunteers to provide administrative supports to various Tzu Chi programs during office hours. On the average, there are 10 administration members on site during the office hours.
Regular office hours: M-F 10am-4pm
Weekend office hours: Sat/Sun 9am-5pm
- (2) **Publication Digest & Circulation:** An open space with show room is provided to display Tzu Chi publications to promote philanthropic and humanitarian culture in the community. The showroom is open to the community, visitors are welcome to read Tzu Chi literature, listen to peaceful Tzu Chi music, or chat with caring volunteers in a gracefully designed setting during the office hours. Tzu Chi will have an on-site gift shop for Tzu Chi publications and/or related philanthropic cultural items, following applicable non-profit organization codes.
Hours: M-F: 10am-4pm; Sat/Sun 9am-5pm

RECEIVED

JAN 28 2004

**CITY OF MILPITAS
PLANNING DIVISION**

60 Pierce Avenue
San Jose, California
95110
408.295.5446
Fax 408.295.5928



- (3) **Senior Program:** The senior service program provides community elderly people with an opportunity to enrich and enhance the quality of senior life. It's a place for them to relax, to find the support, to connect with community, to maintain social skills and physical abilities. This program serves the elderly who are ages 55 or older and are capable of functioning well physically without requiring special medical staff on site.
Hours: M-F: 9am-3pm
- (4) **After-School Program:** The after-school program will provide volunteer based homework tutoring and academic enrichment opportunities to help the students in the surrounding communities. This program will only use the classrooms on the second floor in the afternoon.
Hours: M-F: 2pm-6pm
- (5) **Community Classes:** To bring cultural ingredients into the community, Tzu Chi plans to offer a variety of community cultural classes such as choir, video, calligraphy, sign language, flower arrangement, tea ceremony, meditation, Tai-Chi, etc., during some evenings.
Hours: M-F 3pm – 9pm; Sat/Sun 7pm-9pm
- (6) **Preschool or Childcare:** To provide convenient and caring childcare services for the Tzu Chi volunteers and/or the Silicon Valley professionals working in the neighborhood companies, Tzu Chi plans to open a preschool in this building. Not only will the facilities comply and exceed the requirements defined by the State and local authorities, the program will provide very unique Tzu Chi humanitarian teaching from very early childhood. The same preschool facility is to be used for daycare service for the families who participate in the weekend activities.
Hours: M-F 8am – 6pm; Sat/Sun 9am-5pm
- (7) **Free Clinic Program:** This satellite office of the licensed Tzu Chi Clinic program will offer free medical services to the needy people in the Milpitas and surrounding communities during weekends. This program includes internal medicine, Chinese medicine, and preventive dental care. It will use the medical and dental rooms on the first floor. Surgical procedures are not offered at the facility.
Hours: Sat/Sun 10am-4pm
- (8) **Youth Classes:** The youth classes are designed to cultivate and develop the core Tzu Chi virtues of compassion, loving-kindness, integrity, and trustworthiness for youths at different levels in the local communities. Although not formal education programs, they provide great learning opportunities to complement the school systems to foster youths' moral character through activities in the classroom and service in the community led by the Tzu Chi volunteers. Tzu Chi does not offer formal K-12 or college classes governed by the State Education Code or Board of Education at this facility. This program uses the facility only on either Saturday or Sunday of every other weekend.
Hours: 1st & 3rd Sat or Sun of the month; 9am-5pm



- (9) **Volunteer Training or Meeting:** To commit and maximize the Tzu Chi volunteers and resources for best delivery of services to the community in four Tzu Chi mission areas conducted on-site or out-reached, Tzu Chi volunteers hold training sessions and operations meetings in the Assembly Room twice every month when no other major activities use the facility.

Hours: 2nd & 4th Sunday of the month; 9am-5pm of Week

- (10) **Special Events:** To inspire Tzu Chi volunteerism and to spread the seeds of great love in the community, Tzu Chi plans to organize several special volunteer recognition events and/or conferences on philanthropy topics every year. These events will use the facility only during weekends when no other activities are scheduled.

Hours: 6 to 8 selected weekends per year.

See the following Schedule of Activities Matrix of uses proposed for the facility attached as Appendix "A"

Sincerely,
THE STEINBERG GROUP

A handwritten signature in cursive script, appearing to read "David B. Ewell".

David B. Ewell, AIA
Senior Project Manager



Appendix "A"

Schedule of Activities Matrix:

	Type of Use	Days/Hours	Room Used	Ages	Program Occup.
Office/ Admin	General Office Administration	M-F 10am-4pm; Sat/Sun 9-5pm	Administration Offices	20 to 55	10
	Publication Digest & Circulation	M-F 10am-4pm; Sat/Sun 9-5pm	Culture & Publication Showroom	20 to 55	50
	Senior Program	M-F 9am-3pm	Senior Activity Room	55 to 75	50
Classrooms	After School Program	M-F 2pm-6pm	(3) Classrooms	8 to 15	50
	Community Classes	M-F 3pm-9pm; Sat/Sun 7-9pm	(4) Classrooms, Meditation Room	20 to 55	50
	Youth Classes (every other wk)	Sat or Sun 9-5pm (wk-1 & wk-3)	(3) Classrooms	8 to 18	150
Daycare	Preschool or Childcare Service	M-F 8am-6pm; Sat/Sun 9-5pm	(4) Preschool and Childcare Classrooms	2 to 8	36
Medical/ Dental	Free Clinic	Sat/Sun 10am- 4pm	Medical and Dental Service Rooms	Any	5
Assembly	Volunteer Meeting or Training (every other week)	Sun 9-5pm (wk-2 & wk-4)	Assembly Room	20 to 55	150
	Special Events	6-8 weekends a year	Assembly Room	20 to 55	700

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5665

ENVIRONMENTAL DECLARATION

For CLERK-RECORDER'S USE ONLY

POSTED ON FEB 06 2004 THROUGH FEB 06 2004
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY B. HORIUCHI, DEPUTY

FOR CLERK-RECORDER FILE STAMP

ENDORSED

FEB 06 2004

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County

By B. HORIUCHI Deputy

CLERK-RECORDER
FILE NO. _____

NAME OF LEAD AGENCY: City of Milpitas

NAME OF APPLICANT: Izu Chi Foundation

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. ☐ NOTICE OF PREPARATION
2. ☐ NOTICE OF EXEMPTION
3. ☐ NOTICE OF DETERMINATION
NEGATIVE DECLARATION PURSUANT TO PUBLIC RESOURCES CODE § 21080(C)
☐ **\$1300.00 REQUIRED (\$1250.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)**
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - **\$50.00 COUNTY CLERK FEE REQUIRED**

CA Dept. of Fish and Game
Receipt # _____

4. ☐ NOTICE OF DETERMINATION
ENVIRONMENTAL IMPACT REPORT PURSUANT TO PUBLIC RESOURCES CODE § 21152

- ☐ **\$900.00 REQUIRED (\$850.00 STATE FILING FEE AND \$50.00 COUNTY CLERK FEE)**
☐ CERTIFICATE OF EXEMPTION AND/OR DE MINIMUS IMPACT FINDING STATEMENT
ATTACHED - **\$50.00 COUNTY CLERK FEE REQUIRED**

5. Other: Intent to Adopt a Mitigated Negative Declaration

NOTICE TO BE POSTED FOR 20 DAYS.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL ENVIRONMENTAL
DOCUMENTS LISTED ABOVE **(INCLUDING COPIES)** SUBMITTED FOR FILING.
CHECKS SHOULD BE MADE PAYABLE TO : COUNTY CLERK-RECORDER.



CITY OF MILPITAS

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

TZU CHI FOUNDATION EIA NO. EA2004-2

NOTICE IS HEREBY GIVEN that a Mitigated Negative Declaration (a statement briefly describing the reasons that the proposed project, once mitigated, **will not** have a significant effect on the environment) has been completed by the City of Milpitas Planning Division for the operation of a church in the heavy industrial zoning district as described below.

Project Description: The project applicant is requesting Use Permit approval to operate a philanthropic organization in a vacant research and development building located in the Oak Creek Business Park. Proposed uses include senior programs, preschool/child daycare, after-school tutoring, free medical/dental clinic, community classes and. The project includes minor exterior site modifications for a playground associated with the daycare.

Project Location: The project is located at 1851 McCarthy Boulevard (APN: 086-03-014).

Document Availability: A copy of the Initial Study and Mitigated Negative Declaration (and all documents they reference) are available for review at the Planning Division, 455 East Calaveras Boulevard, Milpitas, CA 95035. You may also obtain a copy of the Initial Study and Mitigated Negative Declaration by calling Kim Duncan (408) 586-3283 and requesting one.

Public Review Timeline: Written public comment on the Initial Study and Mitigated Negative Declaration may be submitted between February 6, 2004 and February 25, 2004 to the Milpitas Planning Division, Attention Kim Duncan, 455 East Calaveras Boulevard, Milpitas, CA 95035.

Planning Commission Consideration: It is anticipated that the Planning Commission will consider this Mitigated Negative Declaration, all written comments received by February 25, 2004, and the project proposal at its meeting of February 25, 2004 at 7:00 p.m. Any person wishing to be heard on this item may attend this meeting and address the Commission. The meeting will be held in the Council Chambers at Milpitas City Hall, 455 East Calaveras Boulevard, Milpitas, CA.

Questions: If you have any questions on this project please contact Kim Duncan, Project Planner, City of Milpitas (408) 586-3283.



ENVIRONMENTAL IMPACT ASSESSMENT NO: EA2004-2

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: KIM DUNCAN FEBRUARY 5, 2004
date

Title: STAFF PLANNER

1. Project title: USE PERMIT: UP2003-55; 'S' ZONE: SA2004-5; ENVIRONMENTAL: EA2004-2
2. Lead Agency Name and Address: CITY OF MILPITAS
3. Contact person and phone number: DAVID EWELL, C/O STEINBERG GROUP, 408/817-3180
4. Project location: 1851 MCCARTHY BOULEVARD
5. Project sponsor's name and address:
TZU CHI FOUNDATION, 175 DEMPSEY ROAD, MILPITAS, CA 95035

6. General plan designation: HIGHWAY SERVICES 7. Zoning: HIGHWAY SERVICES (HS)
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Operation of a non-profit, philanthropic foundation in a 47,850 square foot research and development building. Proposed uses include administrative offices, medical/dental clinic, child preschool/day care, after school program, senior programs, volunteer training and community cultural classes.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project site is located on a 2.71 acre parcel at the southwest corner of McCarthy Boulevard and Barber Lane and developed as research and development offices. Directly north of the site is developed as light industrial and northeast as industrial park with tenants such as Fairchild, Honeywell and Silicon Microstructures. Parcels to the east and south of the project site are developed as research and development offices. Directly west of the project site is the Coyote Creek Trail and the eastern portion of San Jose. The project site is designated by the Milpitas General Plan, as well as currently zoned, Highway Services (HS).

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:



Aesthetics



Agriculture Resources



Air Quality

- | | | |
|--|---|---|
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: 2/6/04 Project Planner: *Kim Duncan* KIM DUNCAN
Signature Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 18
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17,18
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 17,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18,26
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,15 16
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11, 22

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11, 22
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,27
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,27
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,27
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18, 27
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20, 23
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21, 23
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18, 20
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,13,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,12 13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18 19

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13 19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,19
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,13,18 19

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18,19
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11,13,15,16,17,18,26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,27

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other Milpitas Municipal Code
27. Other Milpitas Fire Department



CITY OF MILPITAS

Mailing Address: 455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479 • www.ci.milpitas.ca.gov
Temporary Location: 1210 Great Mall Drive

MITIGATED NEGATIVE DECLARATION **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2004-2**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE TZU CHI FOUNDATION, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Tzu Chi Foundation

Project Description: The project applicant is requesting Use Permit approval to allow for the operation of a non-profit philanthropic organization within an existing 47,850 square foot building, located in a research and development park (Oak Creek Business Park). Proposed uses include administrative offices, medical/dental clinic, child preschool/day care, community cultural classes, after-school program, senior programs, and volunteer training sessions. The project includes minor exterior modifications for an outdoor playground for the child day care facility.

Project Location: Existing 47,850 square foot building located at 1851 McCarthy Boulevard (APN: 086-03-014).

Project Proponent: The Steinberg Group, 60 Pierce Avenue, San Jose, CA 95110.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

Required Mitigation Measures:

Mitigation Measure 1.:

The applicant shall design, as outlined within the Risk Assessment, an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. Additionally, the building shall have an in-place communication system for notifying occupants via pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system which will be designed to automatically shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. A risk reduction plan outlining the operational aspects of this system shall be submitted to the Fire Department for review and approval, prior to building permit

issuance. An agreement to annually test, update and maintain this monitoring, detection and response system shall be included within this plan.

Mitigation Measure 2:

The applicant shall prepare, to the satisfaction of the City's Fire Department, an Emergency Action Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Emergency Action Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings at the time of a detection and subsequent alarm. This plan shall also include emergency supply provisions for a time period as determined by the Fire Marshall. The development of the plan is the responsibility of the applicant and shall be approved prior to building permit issuance. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training and outreach have occurred.

Mitigation Measure 3:

The applicant shall update, to the satisfaction of the city's Fire Department, the Emergency Action Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.

Mitigation Measure 4:

The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards for the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.

Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455
E. Calaveras Boulevard, Milpitas, CA 95035.

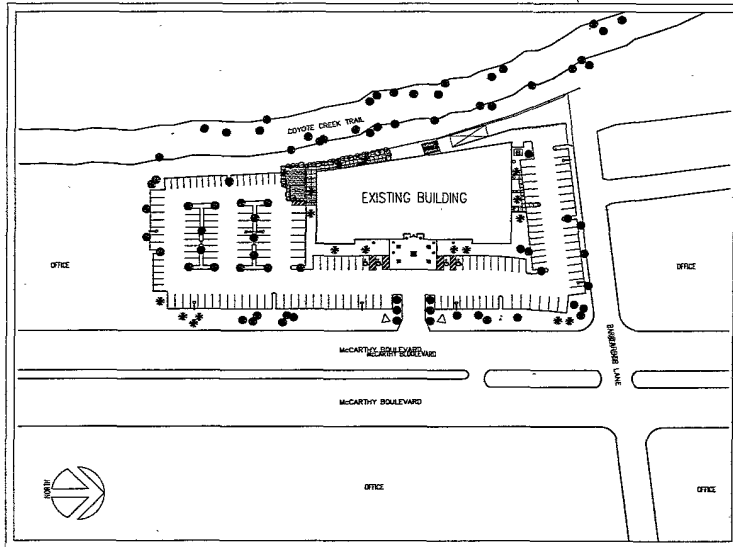
By: Jim Duran
Project Planner
2/6/04

MITIGATION MONITORING PROGRAM

TZU CHI FOUNDATION AT 1851 MCCARTHY BOULEVARD ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2004-2 (USE PERMIT NO. UP2003-56)

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
<p><u>Mitigation Measure 1:</u></p> <p><i>The applicant shall design, as outlined within the Risk Assessment, an airborne chemical monitoring system (sensors), with detection and response/notification capabilities. Additionally, the building shall have an in-place communication system for notifying occupants via pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system which will be designed to automatically shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. A risk reduction plan outlining the operational aspects of this system shall be submitted to the Fire Department for review and approval, prior to building permit issuance. An agreement to annually test, update and maintain this monitoring, detection and response system shall be included within this plan.</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility:</i> Fire Division</p>	<p>_____</p> <p style="text-align: center;">initials</p> <p>_____</p> <p style="text-align: center;">date</p>	<p>_____</p> <p style="text-align: center;">initials</p> <p>_____</p> <p style="text-align: center;">date</p>	
<p><u>Mitigation Measure 2:</u></p> <p><i>The applicant shall update, to the satisfaction of the city's Fire Department, the Emergency Action Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.</i></p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility:</i> Fire Division</p>	<p>_____</p> <p style="text-align: center;">initials</p> <p>_____</p> <p style="text-align: center;">date</p>	<p>_____</p> <p style="text-align: center;">initials</p> <p>_____</p> <p style="text-align: center;">date</p>	

<p><u>Mitigation Measure 3:</u> <i>The applicant shall prepare, to the satisfaction of the City's Fire Department, an Emergency Action Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Emergency Action Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings at the time of a detection and subsequent alarm. This plan shall also include emergency supply provisions for a time period as determined by the Fire Marshall. The development of the plan is the responsibility of the applicant and shall be approved prior to building permit issuance. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training and outreach have occurred.</i></p>	<p><i>Responsibility: Applicant Timing: Prior to issuance of any building permits</i></p>	<p><i>Responsibility: Fire Division</i></p>	<p><u> initials </u> <u> date </u></p>	<p><u> initials </u> <u> date </u></p>	
<p><u>Mitigation Measure 4:</u> <i>The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards for the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.</i></p>	<p><i>Responsibility: Applicant Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Fire Division.</i></p>	<p><u> initials </u> <u> date </u></p>	<p><u> initials </u> <u> date </u></p>	



LOCATION MAP

PROJECT DESCRIPTION

TZU CHI IS A NON-PROFIT HAWAIIAN ORGANIZATION PROPOSING TO OCCUPY THE BUILDING LOCATED AT 1851 MCCARTHY BOULEVARD. TZU CHI PLANS TO MODIFY THE BUILDING INTERIOR FOR THEIR ADMINISTRATIVE OFFICES, CULTURAL PROGRAMS AND FOR SOCIAL SERVICES SUCH AS CHILD CARE, SENIOR PROGRAMS, AND MEDICAL/DENTAL SERVICE.

PROJECT DATA

ASSESSING PARCEL NUMBER: 086-03-014
GROSS ACREAGE: 2.71 ACRES
EXISTING BUILDING GROSS AREA: 24,219 GSF
FIRST LEVEL FLOOR AREA: 24,531 GSF
SECOND LEVEL FLOOR AREA: 24,531 GSF
TOTAL: 49,062 GSF

**TENANT IMPROVEMENTS TO
1851 MCCARTHY BOULEVARD
MILPITAS, CALIFORNIA 95035**

**TAIWAN BUDDHIST
TZU-CHI FOUNDATION, USA**

SHEET INDEX

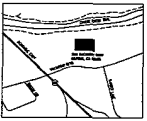
ADD COVER/PROJECT DESCRIPTION/PROJECT DATA/SHEET INDEX
ADD OVERALL SITE PLAN/PARKING ANALYSIS
ADD FIRST FLOOR PLAN
ADD SECOND FLOOR PLAN
ADD EXTERIOR ELEVATIONS

**The
Steinberg
Group**

Architecture Planning Interiors

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VORTEX MAP

**TENANT IMPROVEMENT
1851 MCCARTHY BLVD**

TAIWAN BUDDHIST
TZU-CHI USA
175 DEMPSEY ROAD
MILPITAS, CALIFORNIA 95035
408.292.3389 tel
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DEC 17 2003

**CITY OF MILPITAS
PLANNING DIVISION**

Rev. Date Issue

Project No: 12/17/03
Date: 12/17/03
Scale:

TZU-CHI
COVER SHEET

A0.0

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WENTY MA

TAIWAN BUDDHIST
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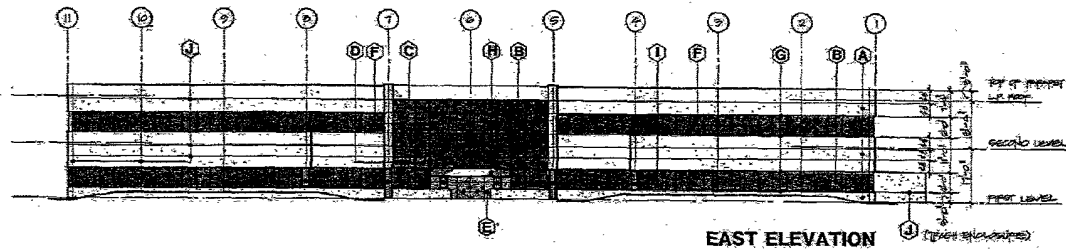
Rev.	Date	Iss.
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Project No: _____
Date: 2/17/03
Scale: 1/8" = 1'-0"

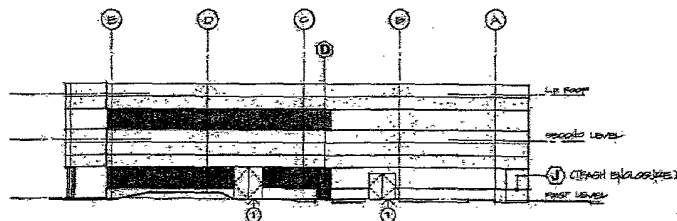
TZU-CHEN
SECOND FLOOR PLAN

A3.0

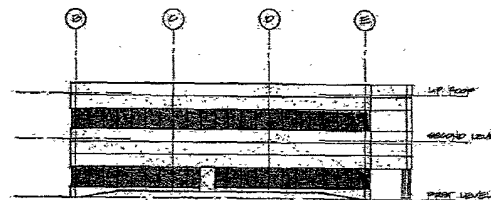
SECOND FLOOR PLAN



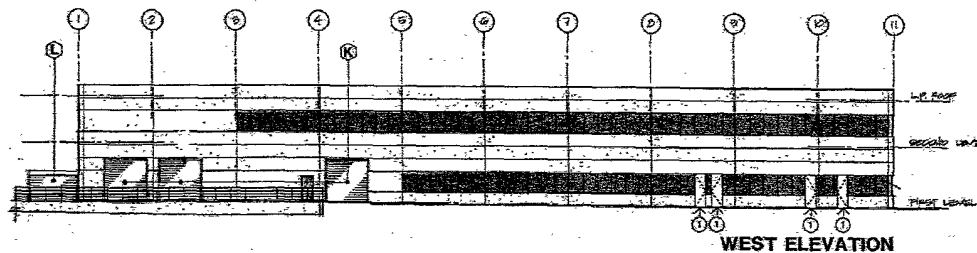
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



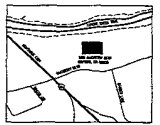
WEST ELEVATION

LEGEND OF EXTERIOR FINISHES (EXISTING)

- A. Concrete Panel/Medium Sandblasted Finish
- B. Tinted Vision Cladding
- C. Spandrel To Match Tinted Vision Cladding
- D. Tempered Tinted Vision Cladding
- E. 3/4" Clear Glass Entrance Doors and 1/2" Side Lite
- F. Rite-Joint Cladding/See Details 1/A10 & 1/A18
- G. Exposed Cladding Members Color Equal To Kymor 500 No. 12 Blk.
- H. Laminated Metal Panel/See Detail 2/A12
- I. Filter Glass Curtain Wall/Color Equal To Annotations 100 B Charcoal Blue
- J. Architectural Store Liner/See Detail 2/A12
- K. 12 x 12 Double Glazing Door
- L. 6' x 14' Overhead Garage Type Door

KEYNOTE

- 1. New Door



LOCALITY MAP

TENANT IMPROVEMENT
1851 MCCARTHY BLVD

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Rev.	Date	Issue

Project No: 12/17/03
Date: 1/16/04
Scale: 1/8" = 1'-0"
TZU-CHI
EXTERIOR ELEVATIONS